



SUBMITTED ELECTRONICALLY

Via FOIA Online

National Freedom of Information Officer
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2822T)
Washington, DC 20460
(202) 566-1667

November 5, 2019

Re: Freedom of Information Act Request

Dear National Freedom of Information Officer:

Environmental Defense Fund (EDF) respectfully requests records, as that term is described at 5 U.S.C. § 552(f)(2) of the Freedom of Information Act (FOIA), of the U.S. Environmental Protection Agency (EPA or the Agency). Specifically, EDF requests copies of the Notices of Commencement (NOCs) submitted to EPA for the following premanufacture notices (PMNs) numbered:

P-19-0071	P-16-0446	P-18-0212
P-18-0404	P-17-0152	P-17-0382
P-18-0322	P-18-0048	P-18-0136
P-18-0220	P-19-0037	P-18-0224
P-18-0120	P-19-0027	P-18-0225
P-19-0060	P-19-0035	P-16-0192
P-19-0056	P-17-0220	P-16-0483
P-18-0188	P-19-0026	P-16-0484
P-18-0266	P-18-0277	P-16-0575
P-17-0253	P-18-0132	P-16-0581
P-18-0186	P-19-0008	P-18-0137
P-18-0305	P-16-0400	P-17-0332
P-19-0045	P-18-0068	P-16-0532
P-19-0032	P-18-0319	

If any of the information sought in this request is deemed by EPA to be properly withheld under a FOIA exemption, 5 U.S.C. § 552(b), please provide EDF with the redacted record along with an explanation, for each such record or portion thereof, sufficient to identify the record, the redacted information and the particular exemption(s) claimed by EPA.

Request for Fee Waiver

As a non-partisan, non-profit organization that provides information that is in the public interest, EDF respectfully requests a waiver of fees associated with this request. We are not seeking information for any commercial purpose and the records received will contribute to a greater public understanding of issues of considerable public interest: EPA's determination that these new chemical substances with recognized human health or environmental hazards are "not likely to present an unreasonable risk of injury to health or the environment," thereby allowing these chemicals to enter the market without any restrictions.¹ 15 U.S.C. § 2604(a)(3)(C). More specifically, EPA has approved these chemical substances despite identifying concerns such as developmental and systemic toxicity, sensitization, and skin, eye and lung irritation. The chemical substances are of considerable public interest because, at a minimum, there may or will be exposures to workers. The NOCs provide crucial information regarding these new chemical substances that is not otherwise publicly available, such as specific chemical identity and the identity of the manufacturer.

EDF is well-positioned to disseminate the records to the public, as we engage in extensive, daily efforts to inform the public about matters involving environmental policy through press releases, action alerts, reports, analyses, blogs, and other public outreach materials.² EDF has also published blog posts detailing the issues with EPA's determinations on new chemical substances.³ Moreover, in addition to its own capacity to convey information to the public, EDF

¹ See, e.g., TSCA Section 5(a)(3) Determination for Premanufacture Notice (PMN) P-19-0071, https://www.epa.gov/sites/production/files/2019-07/documents/p-19-0071_determination_non-cbi_final.pdf.

² See, e.g., Richard Denison, *EPA's scientific peer reviewers don't mince words in blasting its 1,4-dioxane and HBCD risk evaluations* (Nov. 4, 2019), <http://blogs.edf.org/health/2019/11/04/epas-scientific-peer-reviewers-dont-mince-words-in-blasting-its-14-dioxane-and-hbcd-risk-evaluations/>; Richard Denison, *An unwarranted assumption run amok: How the Trump EPA grossly understates the risks of 1-Bromopropane to workers* (Oct. 2, 2019), <http://blogs.edf.org/health/2019/10/02/an-unwarranted-assumption-run-amok-how-the-trump-epa-grossly-understates-the-risks-of-1-bromopropane-to-workers/>; Sam Lovell, *New Report: Toxic Consequences – Trump's Attacks on Chemical Safety Put Our Health at Risk* (June 17, 2017), <http://blogs.edf.org/health/2019/06/17/new-report-toxic-consequences-trumps-attacks-on-chemical-safety-put-our-health-at-risk/>.

³ Richard Denison, *The Trump EPA is illegally denying requests for public files on new chemicals* (June 3, 2019), <http://blogs.edf.org/health/2019/06/03/the-trump-epa-is-illegally-denying-requests-for-public-files-on-new-chemicals/>; Richard Denison, *Company safety data sheets on new chemicals frequently lack the worker protections EPA claims they include* (May 22, 2019), <http://blogs.edf.org/health/2019/05/22/company-safety-data-sheets-on-new-chemicals-frequently-lack-the-worker-protections-epa-claims-they-include/>.

shares important data with journalists to help enhance public knowledge.⁴ Additionally, hundreds of people have read EDF Health's blog posts on EPA's new chemical determinations, as well as EDF Health's blog posts on related TSCA issues. We fully intend to disseminate newsworthy information received in response to this request.

Accordingly, we respectfully request that the documents be furnished without charge. 5 U.S.C. § 552(a)(4)(A)(iii).

Conclusion

For ease of administration and to conserve resources, we will accept documents produced in a readily accessible electronic format. Please provide records on a rolling basis as needed; EPA's search for, or deliberations concerning, certain records should not delay the production of others that EPA has already retrieved and elected to produce. In the event EDF's request for a fee waiver is denied or if you have any questions about this request, please contact me immediately by telephone at (202) 572-3535 or by email at sschwarz@edf.org.

Respectfully submitted,

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⁴ Ellen Knickmeyer & Seth Borenstein, *A Trump Official Consulted With Climate-Change Deniers, Emails Show*, TIME (June 14, 2019), <https://time.com/5607109/william-happer-trump-official-emails-climate-change-rejecters/>; Nicole Goodkind, *Trump Administration Official Repeatedly Consulted With Climate Change Deniers On Climate Policy*, NEWSWEEK (June 14, 2019), <https://www.newsweek.com/donald-trump-climate-change-nasa-1444145>.